

REMARKS

Claims 1-15 are currently pending in this application and claims 14-15 are withdrawn.

The present amendment amends claims 1 and 13, cancels claims 14 and 15 without prejudice or disclaimer, and adds new claims 16 and 17.

Upon entry of the present amendment, claims 1-13 and 16-17 remain pending in this application.

I. Non-Statutory Use Claims 14-15

The Office has withdrawn claims 14-15 from consideration because the claims are non-statutory use claims.

As suggested by the Examiner, the Applicants have canceled claims 14-15.

II. New Claims 16-17

The Applicants have added new method of treatment claims 16-17 to this application. The Applicants respectfully submit that the new claims are supported by the application as originally filed and do not introduce new matter. Support for new claims 16 and 17 may be found in original claims 14 and 15 and in the application as filed at, for example, paragraphs [0026], [0044]-[0046] and [0049]-[0050].

III. Objection to the Abstract of the Disclosure

The Office has objected to the abstract of the disclosure because of the word “hydrido” and has required correction of the term.

Upon review of the file wrapper, the Applicants have been unable to locate an abstract of the disclosure that includes the word “hydrido.” The only abstract located by the Applicants is the abstract that was published with International Application No.

PCT/IB2004/003238, the application from which this application was nationalized under 35 U.S.C. 371.

As such, the Applicants are unable to correct the term “hydrido” in the abstract of the disclosure. The Applicants respectfully request additional guidance from the Examiner or withdrawal of the Office’s objection to the abstract.

IV. Objection to Claim 13

The Office has objected to Claim 13 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should not depend on another multiple dependent claim.

In response, the Applicants have amended claim 13 to depend upon claim 1. As such, the Applicants respectfully request that the objection to claim 13 be withdrawn.

V. Rejection under 35 U.S.C. § 112, second paragraph

The Office has rejected claims 1-12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Office has advised the Applicant to replace the word “hydrido” with the word “hydrogen” to clarify any ambiguity in the claims.

In response, the Applicants has replaced the word “hydrido” with the word “hydrogen” in claim 1. Accordingly, the Applicants respectfully request that the rejection of claims 1-12 under 35 U.S.C. § 112, second paragraph, be withdrawn.

VI. Rejection under 35 U.S.C. § 112, first paragraph

The Office has rejected claims 1-3 under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for compounds of the invention that

include the limitation where X is 0 and S, does not reasonably provide enablement for any other moieties that the Applicants are claiming for this particular variable.

In response, the Applicants have deleted "NR^{5a}" from the definition of X in claim 1. Accordingly, the Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

VII. Conclusion

Upon entry of the present amendment, the Applicants submit that this application is now in condition for allowance, which allowance is respectfully solicited.

If any fee is required for the filing of this response, including extensions of time for which Applicants hereby petition, please charge all such required fees to Deposit Account No. 16-1445.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 858-622-7656.

Respectfully submitted,

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